

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1109.01 Jane Ritter x4342

HOUSE BILL 18-1390

HOUSE SPONSORSHIP

Singer and Ransom,

SENATE SPONSORSHIP

Moreno and Smallwood,

House Committees

Public Health Care & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING AN OPTION FOR PARENTS WHO SEEK TO**
102 **VOLUNTARILY DELEGATE CERTAIN PARENTAL RESPONSIBILITIES**
103 **TO A SAFE FAMILY FOR A LIMITED PERIOD OF TIME WITHOUT**
104 **RELINQUISHING LEGAL CUSTODY OF THEIR CHILD, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a voluntary option for interested custodial parents who are experiencing a crisis whereby they may enter into an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

authorization agreement (agreement) with another person, unrelated to the parents, to temporarily care for their child or children. The agreement is not a termination of parental rights, nor is it considered abandonment of the child or children. The agreement is valid for no longer than 6 months, unless the parent or parents are deployed or called to active duty in the United States military, in which case it may exceed 6 months. The terms of each agreement are specific to the parents who are entering into the agreement. It grants the other person the right to perform certain parental functions as specifically outlined in the agreement, and the agreement may be revoked at any time by a custodial parent.

Qualified nonprofit organizations assist both parties in the creation and implementation of an agreement. The nonprofit organization is responsible for conducting a fingerprint-based criminal history record check on each adult in the nonparent's household, as well as a child abuse and neglect background check on the state TRAILS system for both the parent and each adult in the nonparent's household. The qualified nonprofit organization is responsible for ensuring that the nonparent party to an agreement is fully trained in the rights, duties, and limitations regarding the care of a child pursuant to the agreement.

Qualified nonprofit organizations are required to collect data on agreements and report aggregate data to the state department of human services, which then shall include such data in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing to the general assembly.

The bill establishes a provision for a parent of a minor child to create a revocable power of attorney that grants to another person certain of the parent's rights and responsibilities regarding the care, physical custody, and control of the minor child.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-125, **amend** (1)

3 as follows:

4 **19-1-125. Family stabilization services - voluntary out-of-home**

5 **placement - delegation of certain powers by parent or guardian -**

6 **rules.** (1) It is the intent of the general assembly to assist in the provision

7 of appropriate and necessary short-term services to help stabilize families

8 that are at risk of having their children placed in out-of-home placement

9 when those families voluntarily request such services. It is further the

1 intent of the general assembly that county departments provide for family
2 stabilization services through contracts with private or nonprofit
3 organizations or entities whenever possible, INCLUDING THOSE SPECIFIED
4 IN SECTION 19-1-125.5.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 19-1-125.5 as
6 follows:

7 **19-1-125.5. Voluntary delegation of certain powers by parent**
8 **or legal guardian - authorization agreements - oversight by substitute**
9 **care organizations - licensure - reporting requirements - legislative**
10 **declaration - rules - definitions.** (1) (a) THE GENERAL ASSEMBLY
11 DECLARES THAT COLORADO CAN STRENGTHEN AND PRESERVE FAMILIES
12 BY PROVIDING A VOLUNTARY, SAFE OPTION FOR INTERESTED, FIT PARENTS
13 IN CRISIS WHO DO NOT DEMONSTRATE A RISK TO THE HEALTH AND SAFETY
14 OF THEIR CHILDREN. BY CREATING A NETWORK OF VOLUNTEER FAMILIES
15 WHO HAVE BEEN EXTENSIVELY SCREENED AND TRAINED, THIS
16 ALTERNATIVE CAN PROVIDE A SAFE, TEMPORARY HOME FOR CHILDREN
17 WHILE A PARENT IN CRISIS GETS HELP AND SUPPORT, ALLOWING THE
18 PARENT OR PARENTS TO MAINTAIN FULL CUSTODY OF THEIR CHILDREN
19 DURING THAT TIME.

20 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT ITS INTENT
21 IS TO MINIMIZE THE TIME PARENTS AND THEIR CHILDREN ARE SEPARATED.

22 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24 (a) "AUTHORIZATION AGREEMENT" MEANS AN AGREEMENT
25 ENTERED INTO BETWEEN A PARENT AND CERTIFIED FAMILY CAREGIVER
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

27 (b) "CERTIFIED FAMILY CAREGIVER" MEANS A PERSON OR PERSONS

1 APPROVED BY A SUBSTITUTE CARE ORGANIZATION TO PROVIDE
2 TEMPORARY CARE FOR A CHILD THROUGH AN AUTHORIZATION AGREEMENT
3 ENTERED INTO PURSUANT TO THIS SECTION.

4 (c) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE;
5 EXCEPT THAT "CHILD" DOES NOT INCLUDE AN EMANCIPATED MINOR AS
6 DEFINED IN SECTION 23-7-102 (3).

7 (d) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
8 HUMAN OR SOCIAL SERVICES.

9 (e) (I) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD,
10 AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A
11 PARENT BY ADOPTION. "PARENT" INCLUDES A NATURAL PARENT HAVING
12 SOLE OR JOINT CUSTODY, REGARDLESS OF WHETHER THE PARENT IS
13 DESIGNATED AS THE PRIMARY RESIDENTIAL CUSTODIAN, A PARENT
14 ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN
15 ADOPTIVE PARENT.

16 (II) FOR THE PURPOSES OF THIS SECTION, "PARENT" DOES NOT
17 INCLUDE A PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED
18 PURSUANT TO THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN
19 EMANCIPATED MINOR.

20 (f) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
21 HUMAN SERVICES.

22 (g) "SUBSTITUTE CARE ORGANIZATION" MEANS A TAX-EXEMPT
23 CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER THE
24 PROVISIONS OF SECTION 501(c)(3) OR 501(c)(4) OF TITLE 26 OF THE
25 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT
26 IS LICENSED PURSUANT TO THIS SECTION AND MEETS ALL PROGRAM
27 REQUIREMENTS TO ASSIST A PARENT OR LEGAL GUARDIAN OF A CHILD

1 WITH THE PROCESS OF ENTERING INTO AN AUTHORIZATION AGREEMENT
2 PURSUANT TO THIS SECTION, INCLUDING IDENTIFYING AN APPROPRIATE
3 PLACEMENT FOR EACH CHILD SUBJECT TO THE AGREEMENT AND PROVIDING
4 SERVICES AND RESOURCES TO SUPPORT THE CHILD, PARENTS, AND OTHER
5 PERSONS AUTHORIZED TO PROVIDE TEMPORARY CARE OF THE CHILD
6 PURSUANT TO THE AUTHORIZATION AGREEMENT.

7 (3) (a) (I) EXCEPT AS PROVIDED FOR IN SUBSECTION (3)(a)(II) OF
8 THIS SECTION, A PARENT MAY VOLUNTARILY ENTER INTO AN
9 AUTHORIZATION AGREEMENT WITH A CERTIFIED FAMILY CAREGIVER IF
10 SUCH AUTHORIZATION AGREEMENT IS ENTERED INTO WITH THE
11 ASSISTANCE OF A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
12 SECTION. AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO
13 THIS SECTION MUST COMPLY WITH THE PROVISIONS ESTABLISHED IN
14 SECTION 15-14-105 (2) FOR A CUSTODIAL POWER OF ATTORNEY. THE
15 AUTHORIZATION AGREEMENT MUST NOT BE VALID FOR LONGER THAN SIX
16 MONTHS, WITH AN OPTION TO RENEW THE AGREEMENT, UNLESS A PARENT
17 IS DEPLOYED BY OR CALLED TO ACTIVE DUTY IN THE UNITED STATES
18 MILITARY, IN WHICH CASE THE AUTHORIZATION AGREEMENT IS VALID FOR
19 THE LENGTH OF THE DEPLOYMENT PLUS THIRTY DAYS.

20 (II) THIS SECTION DOES NOT APPLY TO A PARENT OR PARENTS
21 WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED FOR ANY CHILD. THIS
22 SECTION DOES NOT APPLY TO ANY PARENT WHO IS NAMED AS A
23 RESPONDENT IN AN OPEN DEPENDENCY AND NEGLECT CASE.

24 (b) AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO
25 THIS SECTION DOES NOT CONSTITUTE ABANDONMENT OR CHILD ABUSE OR
26 NEGLECT, AND IT MAY NOT INDEPENDENTLY ADVERSELY AFFECT THE
27 PARENT'S RIGHTS WITH RESPECT TO THE CHILD.

1 (c) A CHILD PLACED IN A FAMILY THROUGH AN AUTHORIZATION
2 AGREEMENT IS NOT IN FOSTER CARE AND IS NOT CONSIDERED IN THE
3 CUSTODY OF A COUNTY DEPARTMENT OR THE STATE DEPARTMENT. A
4 CERTIFIED FAMILY CAREGIVER WITH WHOM A CHILD IS PLACED PURSUANT
5 TO AN AUTHORIZATION AGREEMENT IS NOT CONSIDERED TO BE PROVIDING
6 A FOSTER PLACEMENT AND IS NOT SUBJECT TO STATE LAWS AND RULES
7 GOVERNING FOSTER CARE PLACEMENTS.

8 (4) A CERTIFIED FAMILY CAREGIVER WHO HAS ENTERED INTO AN
9 AUTHORIZATION AGREEMENT MAY PERFORM ACTS IN REGARD TO THE
10 CHILD AS OUTLINED IN THE AUTHORIZATION AGREEMENT. A CERTIFIED
11 FAMILY CAREGIVER WHO HAS ENTERED INTO AN AUTHORIZATION
12 AGREEMENT SHALL ACT AS A MANDATORY REPORTER OF CHILD ABUSE OR
13 NEGLECT PURSUANT TO SECTION 19-3-304 AND SHALL UNDERGO TRAINING
14 AS A MANDATORY REPORTER. AN AUTHORIZATION AGREEMENT MAY BE
15 REVOKED AT ANY TIME BY A CUSTODIAL PARENT.

16 (5) THE SUBSTITUTE CARE ORGANIZATION SHALL ALSO ENSURE
17 THAT ADEQUATE NOTICE OF THE CHILD'S PLACEMENT WITH THE CERTIFIED
18 FAMILY CAREGIVER IS GIVEN TO BOTH PARENTS, INCLUDING BUT NOT
19 LIMITED TO PARENTS WITH JOINT CUSTODY LIVING SEPARATELY,
20 SEPARATED PARENTS, OR PARENTS WITH AN ALLOCATION OF PARENTAL
21 RESPONSIBILITIES. THE NOTICE MUST INFORM THE PARENT OR ALLEGED
22 PARENT OF THE CHILD'S PLACEMENT WITH A CERTIFIED FAMILY CAREGIVER
23 THROUGH THE SUBSTITUTE CARE ORGANIZATION AND MUST PROVIDE
24 CONTACT INFORMATION FOR THE SUBSTITUTE CARE ORGANIZATION. IF THE
25 OTHER PARENT OR ALLEGED PARENT RESPONDS TO THE NOTICE IN A
26 TIMELY MANNER, THEN THE SUBSTITUTE CARE ORGANIZATION SHALL
27 ENTER INTO AN AUTHORIZATION AGREEMENT WITH BOTH PARENTS PRIOR

1 TO PLACING THE CHILD WITH THE CERTIFIED FAMILY CAREGIVER.

2 (6) THE STATE DEPARTMENT SHALL LICENSE ANY ORGANIZATION
3 THAT WISHES TO SERVE AS A SUBSTITUTE CARE ORGANIZATION PRIOR TO
4 THE DATE AT WHICH THE ORGANIZATION BEGINS PROVIDING SERVICES TO
5 FAMILIES PURSUANT TO THIS SECTION. THE LICENSING REQUIREMENTS FOR
6 A SUBSTITUTE CARE ORGANIZATION MUST BE SET FORTH IN RULES
7 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (6)
8 OF THIS SECTION.

9 (7) (a) THE STATE DEPARTMENT SHALL CONVENE A WORKING
10 GROUP TO ASSIST WITH RECOMMENDATIONS FOR RULES RELATED TO
11 LICENSING SUBSTITUTE CARE ORGANIZATIONS AS SET FORTH IN
12 SUBSECTION (6)(b) OF THIS SECTION. THE WORKING GROUP MUST INCLUDE,
13 AT A MINIMUM, REPRESENTATIVES FROM THE STATE DEPARTMENT, THE
14 CHILD WELFARE COMMUNITY, NONPROFIT ORGANIZATIONS THAT ARE
15 INTERESTED IN APPLYING FOR A SUBSTITUTE CARE ORGANIZATION
16 LICENSE, COUNTY DEPARTMENTS, THE COURT APPOINTED SPECIAL
17 ADVOCATE PROGRAM, LICENSED CHILD PLACEMENT AGENCIES, THE OFFICE
18 OF THE CHILD'S REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT
19 PARENTS' COUNSEL.

20 (b) ON OR BEFORE AUGUST 31, 2018, THE STATE DEPARTMENT
21 SHALL PROMULGATE RULES FOR LICENSURE OF SUBSTITUTE CARE
22 ORGANIZATIONS, BASED ON THE RECOMMENDATIONS OF THE WORKING
23 GROUP. THE RULES MUST INCLUDE, AT A MINIMUM, REQUIREMENTS FOR
24 INTERESTED NONPROFITS TO PROVIDE THE FOLLOWING INFORMATION TO
25 THE STATE DEPARTMENT IN ORDER TO BE LICENSED:

26 (I) THE ORGANIZATION'S NAME AND ADDRESS;

27 (II) THE NAMES AND ADDRESSES OF THE OFFICERS AND BOARD OF

1 DIRECTORS OR OTHER GOVERNING BODY OF THE ORGANIZATION;
2 (III) THE NAME OF THE PERSON IN CHARGE OF THE
3 ORGANIZATION'S DAILY OPERATIONS, TOGETHER WITH THE RESULTS OF A
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND A CHILD
5 ABUSE AND NEGLECT BACKGROUND CHECK ON THE TRAILS SYSTEM, AS
6 DEFINED IN SECTION 16-20.5-102 (10). THE SUBSTITUTE CARE
7 ORGANIZATION SHALL PAY THE COSTS ASSOCIATED WITH THE
8 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
9 COLORADO BUREAU OF INVESTIGATION AND TO THE STATE DEPARTMENT;
10 AND

11 (IV) THE NAMES AND QUALIFICATIONS OF THE ORGANIZATION'S
12 STAFF MEMBERS WHO WILL BE PROVIDING SERVICES PURSUANT TO THIS
13 SECTION, TOGETHER WITH THE RESULTS OF A FINGERPRINT-BASED
14 CRIMINAL HISTORY RECORD CHECK AND A CHILD ABUSE AND NEGLECT
15 BACKGROUND CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION
16 16-20.5-102 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE
17 COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY
18 RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION AND TO
19 THE STATE DEPARTMENT.

20 (c) THE RULES FOR LICENSURE PROMULGATED BY THE STATE
21 DEPARTMENT ON OR BEFORE AUGUST 31, 2018, MUST ALSO REQUIRE THAT
22 AN INTERESTED NONPROFIT ORGANIZATION SHALL:

23 (I) CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
24 CHECK ON EACH ADULT IN THE CERTIFIED FAMILY CAREGIVER'S
25 HOUSEHOLD, AS WELL AS A CHILD ABUSE AND NEGLECT BACKGROUND
26 CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102
27 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE COSTS

1 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
2 CHECK TO THE COLORADO BUREAU OF INVESTIGATION AND TO THE STATE
3 DEPARTMENT.

4 (II) PRIOR TO THE PLACEMENT OF A CHILD, CONDUCT A HOME
5 STUDY OF THE CERTIFIED FAMILY CAREGIVER'S HOME TO ENSURE THAT
6 SUCH HOME IS A SAFE AND NURTURING ENVIRONMENT FOR A CHILD;

7 (III) TRAIN ALL CERTIFIED FAMILY CAREGIVERS ON:

8 (A) THE RIGHTS, DUTIES, AND LIMITATIONS REGARDING PROVIDING
9 TEMPORARY CARE FOR A CHILD UNDER A CONTRACT FOR CARE
10 AUTHORIZED PURSUANT TO THIS SECTION;

11 (B) THE LAWS AND PROCESSES APPLICABLE TO MANDATORY
12 REPORTERS OF CHILD ABUSE AND NEGLECT;

13 (C) AN OVERVIEW OF PROGRAM PROCESSES, INCLUDING INTAKE
14 AND WORKING WITH THIRD-PARTY SERVICE PROVIDERS, SUCH AS SCHOOLS
15 AND MEDICAL PROFESSIONALS;

16 (D) GENERAL SAFETY REQUIREMENTS, INCLUDING SUDDEN INFANT
17 DEATH SYNDROME, SUPERVISION, AND WATER AND POOL SAFETY;

18 (E) APPROPRIATE AND CONSTRUCTIVE DISCIPLINARY PRACTICES,
19 INCLUDING PROHIBITION OF PHYSICAL PUNISHMENT AND ANY DISCIPLINE
20 THAT IS SEVERE, HUMILIATING, FRIGHTENING, OR ASSOCIATED WITH FOOD,
21 REST, OR TOILETING;

22 (F) ABUSE AND MALTREATMENT REPORTING REQUIREMENTS,
23 INCLUDING PROPER COOPERATION WITH THE STATE DEPARTMENT;

24 (G) CONFIDENTIALITY; AND

25 (H) BUILDING A HEALTHY RELATIONSHIP WITH THE CHILD'S
26 BIOLOGICAL AND ADOPTIVE FAMILY;

27 (IV) PROVIDE ONGOING SUPERVISION OF EACH PLACEMENT OF A

1 CHILD WITH A CERTIFIED FAMILY CAREGIVER WHO HAS BEEN APPROVED BY
2 THE SUBSTITUTE CARE ORGANIZATION WHILE THE AUTHORIZATION
3 AGREEMENT IS IN EFFECT, AND MAINTAIN IN THE CHILD'S RECORD A
4 RECORD OF EACH SUPERVISORY VISIT CONDUCTED;

5 (V) MAINTAIN RECORDS ON EACH CERTIFIED FAMILY CAREGIVER
6 WHO HAS BEEN APPROVED BY THE SUBSTITUTE CARE ORGANIZATION. THE
7 RECORDS MUST INCLUDE:

8 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
9 AND ANY OTHER CONTACT INFORMATION FOR THE CERTIFIED FAMILY
10 CAREGIVER;

11 (B) THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
12 RECORD CHECK AND A CHILD ABUSE AND NEGLECT BACKGROUND CHECK
13 ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102 (10), THAT
14 WERE CONDUCTED ON THE CERTIFIED FAMILY CAREGIVER AND EACH
15 ADULT MEMBER IN THE HOUSEHOLD;

16 (C) PROOF OF THE HOME STUDY CONDUCTED ON THE CERTIFIED
17 FAMILY CAREGIVER'S HOME, ALONG WITH THE NAME, CONTACT
18 INFORMATION, AND QUALIFICATIONS OF THE INDIVIDUAL WHO COMPLETED
19 THE HOME STUDY; AND

20 (D) PROOF THAT THE CERTIFIED FAMILY CAREGIVER COMPLETED
21 THE REQUIRED TRAINING OUTLINED IN THIS SECTION PRIOR TO APPROVAL
22 BY THE SUBSTITUTE CARE ORGANIZATION.

23 (VI) MAINTAIN RECORDS ON EACH CHILD SERVED BY THE
24 SUBSTITUTE CARE ORGANIZATION. THE RECORDS MUST INCLUDE:

25 (A) THE NAME AND AGE OF THE CHILD;

26 (B) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
27 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S PARENT OR

1 PARENTS;

2 (C) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
3 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S CERTIFIED
4 FAMILY CAREGIVER;

5 (D) A COPY OF THE AUTHORIZATION AGREEMENT FOR THE CARE OF
6 THE CHILD, AS EXECUTED PURSUANT TO THIS SECTION; AND

7 (E) DOCUMENTATION OF EACH SUPERVISORY VISIT CONDUCTED BY
8 THE SUBSTITUTE CARE ORGANIZATION WHILE THE CHILD IS IN THE
9 CUSTODY OF THE CERTIFIED FAMILY CAREGIVER.

10 (d) AN ORGANIZATION THAT IS LICENSED WITH THE STATE
11 DEPARTMENT AS A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
12 SUBSECTION (6) DOES NOT ALSO NEED TO BE LICENSED AS A CHILD
13 PLACEMENT AGENCY UNLESS THE ORGANIZATION IS ALREADY LICENSED
14 AS SUCH OR WISHES TO PROVIDE ADDITIONAL SERVICES THAT REQUIRE
15 SUCH LICENSING.

16 (8) A SUBSTITUTE CARE ORGANIZATION SHALL ANNUALLY PROVIDE
17 THE FOLLOWING INFORMATION TO THE STATE DEPARTMENT RELATING TO
18 AUTHORIZATION AGREEMENTS ENTERED INTO UNDER ITS SUPERVISION
19 PURSUANT TO THIS SECTION:

20 (a) THE TOTAL NUMBER OF FAMILIES AND CHILDREN SUPPORTED;
21 (b) THE AVERAGE AGE OF CHILDREN SUPPORTED;
22 (c) THE AVERAGE LENGTH OF STAY;
23 (d) THE TEN MOST COMMON REASONS PARENTS ENTERED INTO AN
24 AUTHORIZATION AGREEMENT;

25 (e) A SUMMARY OF OUTCOMES FOR FAMILIES AND CHILDREN
26 SUPPORTED; AND

27 (f) ANY CHANGES TO THE LICENSING INFORMATION PROVIDED TO

1 THE STATE DEPARTMENT PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS
2 SECTION.

3 (9) A SUBSTITUTE CARE ORGANIZATION SHALL MAINTAIN RECORDS
4 FOR ALL CHILDREN AND FAMILIES SERVED, AS WELL AS ON CERTIFIED
5 FAMILY CAREGIVERS APPROVED. THE RECORDS MUST BE MAINTAINED FOR
6 NOT LESS THAN FIVE YEARS AFTER THE CHILD SERVED ATTAINS EIGHTEEN
7 YEARS OF AGE. SUCH RECORDS MAY BE MAINTAINED ELECTRONICALLY. A
8 SUBSTITUTE CARE ORGANIZATION SHALL ALSO MAKE THE RECORDS
9 AVAILABLE TO THE PARENT OR LEGAL GUARDIAN WHO EXECUTED THE
10 AUTHORIZATION AGREEMENT FOR THE CARE OF HIS OR HER CHILD; THE
11 CHILD PROTECTION OMBUDSMAN; AND TO ANY LOCAL, STATE, OR FEDERAL
12 LAW ENFORCEMENT OR CHILD WELFARE AUTHORITY CONDUCTING AN
13 INVESTIGATION INVOLVING THE CHILD, THE CHILD'S PARENT OR LEGAL
14 GUARDIAN, OR THE CERTIFIED FAMILY CAREGIVER.

15 **SECTION 3.** In Colorado Revised Statutes, **amend 15-14-105** as
16 follows:

17 **15-14-105. Delegation of power by parent or guardian -**
18 **custodial power of attorney.** (1) A parent or guardian of a minor or
19 incapacitated person, by a power of attorney, may delegate to another
20 person, for a period not exceeding twelve months, any power regarding
21 care, custody, or property of the minor or ward, except the power to
22 consent to marriage or adoption.

23 (2) (a) A PARENT OF A MINOR CHILD MAY CREATE A CUSTODIAL
24 POWER OF ATTORNEY THAT, EXCEPT AS PROVIDED IN SUBSECTION (2)(b)
25 OF THIS SECTION, GRANTS TO ANOTHER PERSON THE PARENT'S LEGAL
26 RIGHTS AND RESPONSIBILITIES REGARDING THE CARE, PHYSICAL CUSTODY,
27 AND CONTROL OF THE MINOR CHILD, INCLUDING BUT NOT LIMITED TO THE

1 RIGHT TO:

2 (I) ENROLL THE MINOR CHILD IN SCHOOL;

3 (II) OBTAIN FROM THE MINOR CHILD'S SCHOOL ANY EDUCATIONAL

4 AND BEHAVIORAL INFORMATION ABOUT THE MINOR CHILD;

5 (III) CONSENT TO ALL SCHOOL-RELATED MATTERS REGARDING THE

6 MINOR CHILD;

7 (IV) CONSENT TO MEDICAL, PSYCHOLOGICAL, OR DENTAL

8 TREATMENT FOR THE MINOR CHILD; OR

9 (V) EXERCISE ANY OTHER RIGHT HELD BY THE PARENT, EXCEPT AS

10 PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION.

11 (b) THE CUSTODIAL POWER OF ATTORNEY MAY NOT GRANT

12 AUTHORITY TO CONSENT TO THE MARRIAGE OR ADOPTION OF THE MINOR

13 CHILD OR TO CHANGE THE MINOR CHILD'S RELIGIOUS AFFILIATION.

14 (c) THE CUSTODIAL POWER OF ATTORNEY DOES NOT AFFECT THE

15 RIGHTS OF THE PARENT OF THE MINOR CHILD IN ANY PROCEEDING

16 CONCERNING PHYSICAL CUSTODY OF THE MINOR CHILD OR THE

17 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES FOR THE CARE

18 OF THE MINOR CHILD.

19 (d) THE CUSTODIAL POWER OF ATTORNEY IS ONLY AVAILABLE TO

20 A PARENT FOR SIX MONTHS, UNLESS ANOTHER REVOCABLE POWER OF

21 ATTORNEY IS CREATED PURSUANT TO THIS SUBSECTION (2).

22 (e) THE CUSTODIAL POWER OF ATTORNEY IS REVOCABLE AT ANY

23 TIME AND, UPON REVOCATION, IF THE MINOR CHILD OR CHILDREN WHO ARE

24 THE SUBJECT OF THE CUSTODIAL POWER OF ATTORNEY ARE NOT IN THE

25 CARE, PHYSICAL CUSTODY, AND CONTROL OF THE PARENT, THE MINOR

26 CHILD OR CHILDREN MUST BE IMMEDIATELY RETURNED TO THE CARE,

27 PHYSICAL CUSTODY, AND CONTROL OF THE PARENT.

1 **SECTION 4.** In Colorado Revised Statutes, 19-3-304, **amend**
2 (2)(ll) and (2)(mm); and **add** (2)(nn) as follows:

3 **19-3-304. Persons required to report child abuse or neglect.**

4 (2) Persons required to report such abuse or neglect or circumstances or
5 conditions include any:

6 (ll) Officials or employees of county departments of health,
7 human services, or social services; ~~and~~

8 (mm) Naturopathic doctor registered under article 37.3 of title 12;

9 **AND**

10 (nn) PERSON, OTHER THAN THE PARENT, WHO HAS ENTERED INTO
11 AN AUTHORIZATION AGREEMENT FOR CARE AND RESPONSIBILITY OF A
12 CHILD PURSUANT TO SECTION 19-1-125.5.

13 **SECTION 5. Appropriation.** (1) For the 2018-19 state fiscal
14 year, \$33,245 is appropriated to the department of human services. This
15 appropriation is from the general fund and is based on an assumption that
16 the department will require an additional 0.4 FTE. The department may
17 use this appropriation to implement this act.

18 **SECTION 6. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2018 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.